

## **REMARKS**

In accordance with the foregoing, the claims 1, 3, 15, 17, 19, and 30-32 are amended. Claim 2 is cancelled without prejudice or disclaimer. No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims are respectfully requested.

Claims 1, 3 -5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, and 30-32 are pending and under consideration.

### **Claim Amendments**

Independent claims 1 and 30-32 are amended herein to include feature of dependent claim 2 cancelled herein without prejudice or disclaimer. Dependent claim 3 is amended accordingly.

Claims 15, 17, and 19 are amended so as to be rewritten in independent form. No new matter is being presented, and approval and entry are respectfully requested.

### **Item 3: Allowable Subject Matter**

In item 3 of the Office Action, the Examiner indicates that dependent claims 15, 17, 19, and 21 recite allowable subject matter. (Action at page 2). Applicants thank the Examiner for the indication of allowable subject matter.

The Examiner objects to claims 15, 17, 19, and 21 as being dependent upon a rejected base claim, but indicates they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15, 17, and 19 are rewritten in independent form including all of the limitations of the base claim and any intervening claims, claim 21 being dependent on parent claim 19. Applicants request the objection be withdrawn and claims 15, 17, 19, and 21 be allowed.

### **Item 5: Rejection of claims 1 and 30-32 under 35 U.S.C. §102(e)**

### **Items 7-8: Rejection of claims 3-5, 7, 9, 11, 13, 23 and 25 under 35 U.S.C. §103(a)**

In item 5 of the Office Action, the Examiner rejects independent claims 1 and 30-32 under 35 U.S.C. §102(e) as being anticipated by England et al. (U.S.P. 6,327,652) (Action at pages 3-4). In items 7 and 8 of the Office Action, the Examiner rejects dependent claims 3-5, 7, 9, 11, 13, 23, and 25 under 35 U.S.C. §103(a) as being unpatentable over England in view of combinations of Mahne (U.S.P. 6,981,141) and Elrod (Elrod, Elliot. "Partitioning Your Hard Drive." Beyond the Basics September 2000, pages 1-6). The rejections are traversed.

Independent claim 1 recites a data management system including:

1) "means for monitoring the status of access of the application to the contents by associating inherent information for the application brought into an activated status by the application executing means, with inherent information for the contents accessed by the application;" (emphasis added) and

2) "filtering means for enciphering the contents with the inherent information for the application when the application under the activated status writes the contents into the storage medium while deciphering the contents with the inherent information for the application when the application under the activated status reads out the contents in the storage medium;" (emphasis added) and

3) "an operating system as a software for controlling the execution of the application, wherein the operating system assigns identification information to each process upon executing the application by the application executing means, and the access monitoring means utilizes the identification information as the inherent information for the application. (emphasis added)"

Independent claims 30-32 have a similar recitation.

Applicants submit that features are not taught by the cited art, either alone or in combination. Particularly, none of the cited art teach using as inherent information about an application, the identification information for each process, as recited by each of independent claims 1 and claims 30-32.

As an example, according to an aspect of the present invention, as described, for example, on page 30, lines 10-12, of the specification "it is effective for the encryption key to be made inclusive of time information or the like together with the process ID".

That is, according to an aspect of the present invention, the same key is not generated for the same application installed in a certain OS. As an example, according to an aspect of the present invention, even after a result (copy right product), which is obtained by editing with a picture image editing application is stored in a file, when the same application is reactivated and the same application is simultaneously activated with the application, the same encrypt key cannot be reused. Accordingly, use of files is limited. Particularly, picture image contents and sound contents protected by a certain copyright are prevented from being taken into a picture image editing application or a sound editing application to be themselves edited or changed without permission. Where editing or changing of protection methodologies without permission are a problem or possibility, such an arrangement for preventing an encryption key from reuse is desired and effective.

The Examiner asserts that England teaches features of "operating system assigns identification information to each process upon executing the application by the application executing means, and the access monitoring means utilizes the identification information as the inherent information for the application" citing England col. 17- lines 16-31. (Action at page 4).

However, Applicants submit that England, alone or in an *arguendo* combination does not disclose or suggest means corresponding to "access monitoring means" using "identification information for each process" such as process ID and time information.

For example, England does not teach a technique which makes it impossible to generate an encrypt key reusable for the same application activated by a certain OS. For example, a file which is taken into a picture image editing application and is edited, is always usable by use of an encrypt key generated at the time of activation.

By contrast, England teaches in col. 17, lines 16 - 31 different keys are generated only for each of the following cases:

Case (a) : a certain application activated by a certain OS;

Case (b) : an application the same as the application of the above case (a) activated by an OS with an ID different from the above case (a); and

Case (c) : an application different from the above applications (a) and (b) using the same seed.

However, England does not teach whether or not it is possible to generate different keys for the following cases:

Case (d) : the above (a) application reactivated by the OS of the above case (a); and

Case (e) : an application the same as the application of the above case (a) which is activated by the OS of the above case (a) simultaneously with the application of the above case (a).

That is, England teaches that for the same application installed in a certain OS, the same key is always generated and does not teach utilizing the identification information as the inherent information for the application, as recited by the present application independent claims.

## Summary

Since features recited by independent claims 1 and 30-32 (and dependent claims 3-5, 7, 9, 11, 13, 23, and 25) are not taught by the cited art and *prima facie* obviousness has not been established, the rejections should be withdrawn and claims 1, 3-5, 7, 9, 11, 13, 23, 25, and 30-32 should be allowed.

**CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: May 11, 2007

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